

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

<b>CARRIE M. STANDFELL,</b>	)
	)
<b>Plaintiff,</b>	)
	)
<b>v.</b>	) <b>Case No. CIV-14-475-Raw-KEW</b>
	)
<b>CAROLYN W. COLVIN,</b>	)
<b>Acting Commissioner of Social Security</b>	)
<b>Administration,</b>	)
	)
<b>Defendant.</b>	)

**ORDER REMANDING CASE FOR FURTHER PROCEEDINGS**

On March 8, 2016, Magistrate Judge West entered a Report and Recommendation in the above-referenced case, recommending that this court reverse the Commissioner's decision upholding on appeal the findings of the Administrative Law Judge ("ALJ"), denying benefits to plaintiff. Defendant has filed an objection and plaintiff has filed a response to that objection, both of which the court has considered.

The recommended remand is for the ALJ to clarify an apparent inconsistency between the testimony of the vocational expert ("VE") and the Dictionary of Occupational Titles ("DOT"). As the Magistrate Judge noted, this is a task which the Tenth Circuit assigns to the ALJ. *See Haddock v. Apfel*, 196 F.3d 1084, 1091 (10<sup>th</sup> Cir.1999). Defendant objects on the ground that the Magistrate Judge relied on an outdated interpretation of GED (general educational development) reasoning levels, an interpretation outdated in the sense that the Tenth Circuit has rejected it. This court disagrees with defendant, relying upon *Ward v. Colvin*, 2015 WL 9451073 (W.D.Okla.2015). There, the district judge adopted the Report

and Recommendation of the United States Magistrate Judge which rejected the same argument presented in the case at bar.\* In brief, Magistrate Judge West relied upon a published Tenth Circuit opinion. The unpublished Tenth Circuit opinions cited by the defendant appear to be distinguishable. Any genuine conflict is for the Tenth Circuit itself to resolve.

Upon full consideration of the entire record and the issues herein, this court finds that the Magistrate Judge's findings are supported by substantial evidence and the prevailing legal authority. Accordingly, the Report and Recommendation of the United States Magistrate Judge is hereby AFFIRMED and ADOPTED as this court's Findings and Order. The decision of the Secretary is reversed and this case is remanded to Defendant pursuant to the fourth sentence of 42 U.S.C. §405(g) for further administrative proceedings.

**ORDERED THIS 28th DAY OF MARCH, 2016.**

**Dated this 28<sup>th</sup> day of March, 2016.**

  
Ronald A. White  
United States District Judge  
Eastern District of Oklahoma

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\*The Report and Recommendation is reported as *Ward v. Colvin*, 2015 WL 9438272 (W.D.Okla.2015).